

CHAPTER 154

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 19-199

BY SENATOR(S) Todd and Rankin, Bridges, Cooke, Coram, Court, Crowder, Danielson, Donovan, Fenberg, Fields, Foote, Gardner, Ginal, Gonzales, Hill, Hisey, Holbert, Lee, Lundeen, Marble, Moreno, Pettersen, Priola, Rodriguez, Scott, Smallwood, Sonnenberg, Story, Tate, Williams A., Winter, Woodward, Zenzinger, Garcia;
 also REPRESENTATIVE(S) McCluskie and Wilson, Arndt, Benavidez, Bird, Buckner, Buentello, Caraveo, Carver, Catlin, Coleman, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Garnett, Geitner, Gonzales-Gutierrez, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Liston, Lontine, McLachlan, Melton, Michaelson Jenet, Mullica, Pelton, Rich, Roberts, Sandridge, Sirota, Soper, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Will, Becker.

AN ACT

CONCERNING MEASURES TO SUPPORT EFFECTIVE IMPLEMENTATION OF THE "COLORADO READING TO ENSURE ACADEMIC DEVELOPMENT ACT" FOR ALL STUDENTS WHO RECEIVE SERVICES PURSUANT TO READ PLANS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-7-1202, **add** (1.5) as follows:

22-7-1202. Legislative declaration. (1.5) (a) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

(I) READING IS A CRITICAL SKILL THAT EVERY CHILD MUST DEVELOP EARLY IN THE CHILD'S EDUCATIONAL CAREER TO BE SUCCESSFUL;

(II) RESEARCH SHOWS THAT READING INSTRUCTION THAT IS FOCUSED AROUND THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS HIGHLY EFFECTIVE IN TEACHING YOUNG CHILDREN TO READ;

(III) SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION GRANTS TO THE ELECTED BOARD OF EDUCATION IN EACH SCHOOL DISTRICT THE AUTHORITY TO HAVE CONTROL OF INSTRUCTION IN THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT, AND SECTION 16 OF ARTICLE IX OF THE STATE CONSTITUTION PROHIBITS THE GENERAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

ASSEMBLY AND THE STATE BOARD OF EDUCATION FROM PRESCRIBING THE TEXTBOOKS TO BE USED IN PUBLIC SCHOOLS;

(IV) HOWEVER, SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION REQUIRES THE GENERAL ASSEMBLY TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF A THOROUGH AND UNIFORM SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE, AND SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION VESTS THE GENERAL SUPERVISION OF THE PUBLIC SCHOOLS OF THE STATE IN THE STATE BOARD OF EDUCATION;

(V) IN INTERPRETING THESE CONSTITUTIONAL PROVISIONS, THE COLORADO SUPREME COURT HAS FOUND THAT, BECAUSE THEY ARE COMPETING INTERESTS, NONE ARE ABSOLUTE; THESE INTERESTS MUST BE BALANCED TO IDENTIFY THE CONTOURS OF THE RESPONSIBILITY ASSIGNED TO EACH ENTITY; AND

(VI) IT IS THE GENERAL ASSEMBLY THAT INITIALLY STRIKES THIS BALANCE.

(b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT ENSURING THAT EACH CHILD HAS ACCESS THROUGH THE PUBLIC SCHOOLS TO EVIDENCE-BASED READING INSTRUCTION THAT IS FOCUSED ON DEVELOPING THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION IS A SIGNIFICANT COMPONENT OF ENSURING THAT THE SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE IS THOROUGH AND UNIFORM. IN EXERCISING ITS AUTHORITY OF GENERAL SUPERVISION OF THE PUBLIC SCHOOLS OF THE STATE, IT IS APPROPRIATE THAT THE STATE BOARD OF EDUCATION, SUPPORTED BY THE DEPARTMENT OF EDUCATION, HOLD LOCAL EDUCATION PROVIDERS ACCOUNTABLE FOR DEMONSTRATING THAT THE READING INSTRUCTION THEY PROVIDE IS FOCUSED ON THESE FIVE FOUNDATIONAL READING SKILLS. AND, IN MAINTAINING CONTROL OF THE INSTRUCTION IN THE CLASSROOMS OF THE PUBLIC SCHOOLS OF THEIR RESPECTIVE SCHOOL DISTRICTS, IT IS APPROPRIATE THAT EACH SCHOOL DISTRICT BOARD OF EDUCATION SELECT THE CORE READING INSTRUCTIONAL PROGRAMS AND READING INTERVENTIONS TO BE USED IN THOSE PUBLIC SCHOOLS, SO LONG AS THEY ARE FOCUSED ON PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION TO ENSURE THAT THE STUDENTS EDUCATED IN THE PUBLIC SCHOOLS THROUGHOUT THE STATE CONSISTENTLY RECEIVE EVIDENCE-BASED INSTRUCTION THAT IS PROVEN TO EFFECTIVELY TEACH CHILDREN TO READ.

SECTION 2. In Colorado Revised Statutes, 22-7-1203, **amend (9); repeal (12); and add (7.5)** as follows:

22-7-1203. Definitions. As used in this part 12, unless the context otherwise requires:

(7.5) "MULTI-TIERED SYSTEMS OF SUPPORTS" MEANS A SYSTEMIC PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL, TARGETED, AND INTENSIVE LEVELS. THROUGH THE MULTI-TIERED SYSTEMS OF SUPPORTS, A TEACHER PROVIDES HIGH-QUALITY, SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTION AND INTERVENTION THAT IS MATCHED TO STUDENT NEEDS; USES A METHOD OF MONITORING PROGRESS

FREQUENTLY TO INFORM DECISIONS ABOUT INSTRUCTION AND GOALS; AND APPLIES THE STUDENT'S RESPONSE DATA TO IMPORTANT EDUCATIONAL DECISIONS.

(9) "~~Per-pupil intervention moneys~~ MONEY" means the ~~moneys~~ MONEY calculated and distributed to local education providers pursuant to ~~section 22-7-1210 (5)~~ SECTION 22-7-1210.5.

(12) "~~Response to intervention framework~~" means a systemic preventive approach that addresses the academic and social-emotional needs of all students at the universal, targeted, and intensive levels. Through the response to intervention framework, a teacher provides high-quality, scientifically based or evidence-based instruction and intervention that is matched to student needs; uses a method of monitoring progress frequently to inform decisions about instruction and goals; and applies the student's response data to important educational decisions.

SECTION 3. In Colorado Revised Statutes, **amend** 22-7-1204 as follows:

22-7-1204. Early literacy education. Each local education provider that enrolls students in kindergarten or first, second, or third grade shall provide to the students enrolled in said grades the instructional programming and services necessary to ensure to the greatest extent possible that students, as they progress through kindergarten, first, second, and third grade, develop the necessary reading skills to enable them to master the academic standards and expectations applicable to the fourth-grade curriculum and beyond. THE INSTRUCTIONAL PROGRAMMING AND SERVICES FOR TEACHING STUDENTS TO READ MUST BE EVIDENCE BASED AND SCIENTIFICALLY BASED AND MUST FOCUS ON READING COMPETENCY IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION.

SECTION 4. In Colorado Revised Statutes, 22-7-1206, **amend** (2), (5) introductory portion, and (5)(c) as follows:

22-7-1206. Reading to ensure academic development plan - contents - implementation. (2) (a) If a student's reading skills are below grade-level expectations, as adopted by the state board, but the student does not have a significant reading deficiency, the local education provider shall ensure that the student receives appropriate interventions through the ~~response to intervention framework~~ MULTI-TIERED SYSTEMS OF SUPPORTS or a comparable intervention system implemented by the local education provider. AT A MINIMUM, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES EDUCATIONAL SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF TIME IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES IN TEACHING READING.

(b) If a student has a significant reading deficiency, the student's READ plan ~~shall~~ MUST include the intervention instruction that the local education provider provides through the ~~response to intervention framework~~ MULTI-TIERED SYSTEMS OF SUPPORTS or a comparable intervention system implemented by the local education provider.

(5) Each READ plan ~~shall~~ MUST include, at a minimum:

(c) The type of additional instructional services and interventions the student will receive in reading. AT A MINIMUM, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE STUDENT RECEIVES EDUCATIONAL SERVICES IN A DAILY LITERACY BLOCK FOR THE LENGTH OF TIME IDENTIFIED AS EFFECTIVE IN RESEARCH RELATING TO BEST PRACTICES IN TEACHING READING.

SECTION 5. In Colorado Revised Statutes, 22-7-1206, **amend** (4) as follows:

22-7-1206. Reading to ensure academic development plan - contents - implementation. (4) If a student enrolled in kindergarten is identified as having a significant reading deficiency, the local education provider shall create the student's READ plan as a component of the student's individualized readiness plan created pursuant to section 22-7-1014. THE LOCAL EDUCATION PROVIDER MAY INCLUDE COMPONENTS OF THE STUDENT'S INDIVIDUALIZED READINESS PLAN THAT APPLY TO TEACHING LITERACY AS PART OF THE STUDENT'S READ PLAN AFTER THE STUDENT COMPLETES KINDERGARTEN, SO LONG AS THE LOCAL EDUCATION PROVIDER ADMINISTERS AN APPROVED READING ASSESSMENT TO THE STUDENT IN GRADES ONE THROUGH THREE AS REQUIRED IN SECTION 22-7-1205 (1) AND THE STUDENT'S READ PLAN MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (5) OF THIS SECTION.

SECTION 6. In Colorado Revised Statutes, 22-7-1208, **add** (5), (6), and (7) as follows:

22-7-1208. Local education providers - procedures - plans - training. (5) (a) BEGINNING WITH THE PLANS ADOPTED FOR THE 2020-21 SCHOOL YEAR, THE PLAN THAT A LOCAL EDUCATION PROVIDER MUST ADOPT BASED ON ITS ACCREDITATION CATEGORY PURSUANT TO SECTION 22-11-208 OR AS REQUIRED PURSUANT TO SECTION 22-11-210, WHICHEVER IS APPLICABLE, MUST INCLUDE THE FOLLOWING INFORMATION CONCERNING IMPLEMENTATION OF THIS PART 12 AS IT APPLIES TO EACH OF THE SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER:

(I) THE CORE AND SUPPLEMENTAL READING CURRICULUM USED AT EACH GRADE LEVEL, INCLUDING KINDERGARTEN FOR EACH SCHOOL THAT INCLUDES A KINDERGARTEN EDUCATIONAL PROGRAM. THE CORE AND SUPPLEMENTAL READING CURRICULUM MUST BE DESIGNED AROUND TEACHING THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION.

(II) THE TARGETED, EVIDENCE-BASED OR SCIENTIFICALLY BASED CORE AND SUPPLEMENTAL READING INSTRUCTIONAL PROGRAMS AND INTERVENTION READING INSTRUCTION, SERVICES, AND OTHER SUPPORTS, INCLUDING THOSE AVAILABLE THROUGH THE MULTI-TIERED SYSTEMS OF SUPPORTS OR A COMPARABLE INTERVENTION SYSTEM IMPLEMENTED BY THE LOCAL EDUCATION PROVIDER, THAT EACH SCHOOL PROVIDES TO STUDENTS WHO ARE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR AS READING BELOW GRADE LEVEL;

(III) THE ASSESSMENTS THAT EACH SCHOOL USES AT EACH GRADE LEVEL TO MEET THE REQUIREMENTS SPECIFIED IN SECTION 22-7-1205 (1); AND

(IV) IF THE LOCAL EDUCATION PROVIDER RECEIVES AND USES PER-PUPIL INTERVENTION MONEY OR MONEY RECEIVED THROUGH THE EARLY LITERACY GRANT

PROGRAM FOR PROFESSIONAL DEVELOPMENT, THE LOCAL EDUCATION PROVIDER'S PLAN FOR PROVIDING THE PROFESSIONAL DEVELOPMENT, WHICH DEVELOPMENT MUST BE TARGETED, EVIDENCE BASED OR SCIENTIFICALLY BASED, AND ALIGNED WITH THE INSTRUCTION, SERVICES, AND OTHER SUPPORTS PROVIDED TO STUDENTS WHO ARE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR AS READING BELOW GRADE LEVEL.

(b) IF A LOCAL EDUCATION PROVIDER IS AUTHORIZED PURSUANT TO SECTION 22-11-303 (4) OR 22-11-403 (5) TO ADOPT AND SUBMIT A PLAN EVERY TWO YEARS, THE LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT THE INFORMATION DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION ANNUALLY.

(6) (a) BY THE BEGINNING OF THE 2021-22 SCHOOL YEAR AND CONTINUING FOR EACH SCHOOL YEAR THEREAFTER, EACH LOCAL EDUCATION PROVIDER THAT RECEIVES PER-PUPIL INTERVENTION MONEY OR A GRANT THROUGH THE EARLY LITERACY GRANT PROGRAM IN ANY BUDGET YEAR STARTING WITH THE 2019-20 BUDGET YEAR SHALL ENSURE THAT EACH TEACHER EMPLOYED TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE SUCCESSFULLY COMPLETES OR HAS SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN TEACHING READING. TO COMPLY WITH THIS SUBSECTION (6)(a), A LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE, AS DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION, THAT EACH TEACHER EMPLOYED TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE HAS SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN TEACHING READING THAT IS:

(I) INCLUDED AS A COURSE IN AN APPROVED PROGRAM OF PREPARATION, AS DEFINED IN SECTION 22-60.5-103 (8), OR AN ALTERNATIVE TEACHER PROGRAM, AS DEFINED IN SECTION 22-60.5-103 (5);

(II) INCLUDED AS A COURSE IN A POST-GRADUATE DEGREE PROGRAM IN TEACHING READING OR LITERACY;

(III) PROVIDED BY THE DEPARTMENT OR INCLUDED ON THE ADVISORY LIST OF PROFESSIONAL DEVELOPMENT PROGRAMS PROVIDED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(c); OR

(IV) PROVIDED BY A LOCAL EDUCATION PROVIDER OR IS APPROPRIATE FOR LICENSE RENEWAL PURSUANT TO SECTION 22-60.5-110 (3).

(b) A TEACHER IS DEEMED TO HAVE SUCCESSFULLY COMPLETED EVIDENCE-BASED TRAINING IN TEACHING READING IF THE LOCAL EDUCATION PROVIDER SUBMITS TO THE DEPARTMENT EVIDENCE THAT THE TEACHER PASSED AN END-OF-COURSE ASSESSMENT OF LEARNING AT THE COMPLETION OF THE EVIDENCE-BASED TRAINING.

(c) AT THE REQUEST OF A LOCAL EDUCATION PROVIDER, THE DEPARTMENT SHALL PROVIDE, AT NO COST TO THE LOCAL EDUCATION PROVIDER, EVIDENCE-BASED TRAINING IN TEACHING READING TO ONE OR MORE OF THE TEACHERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE.

(d) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (6)(a) OF THIS SECTION,

A LOCAL EDUCATION PROVIDER THAT IS NOT IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (6) AS OF THE BEGINNING OF THE 2021-22 SCHOOL YEAR OR FOR A SUBSEQUENT SCHOOL YEAR MAY REQUEST A ONE-YEAR EXTENSION FROM THE DEPARTMENT BASED ON A DEMONSTRATION OF GOOD CAUSE FOR INABILITY TO COMPLY.

(e) A LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED TO MAKE EVIDENCE-BASED TRAINING IN TEACHING READING AVAILABLE TO PARENTS AND MEMBERS OF THE COMMUNITY IN ORDER TO EFFECTIVELY PARTNER WITH THEM IN TEACHING EARLY-GRADE READING.

(f) THE STATE BOARD MAY ADOPT RULES AS NECESSARY TO SPECIFY THE TIME FRAMES AND PROCEDURES FOR COMPLYING WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (6)(a) OF THIS SECTION AND FOR APPLYING FOR AN EXTENSION PURSUANT TO SUBSECTION (6)(d) OF THIS SECTION AND THE FORM IN WHICH A LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE OF THE COMPLETION OF AN END-OF-COURSE ASSESSMENT OF LEARNING AS REQUIRED IN SUBSECTION (6)(b) OF THIS SECTION.

(7) EACH LOCAL EDUCATION PROVIDER IS STRONGLY ENCOURAGED TO PARTNER WITH ADJACENT PUBLIC LIBRARIES TO ENHANCE THE INSTRUCTIONAL PROGRAMMING AND SERVICES IN LITERACY PROVIDED BY THE LOCAL EDUCATION PROVIDER AND TO PROVIDE ACCESS FOR STUDENTS AND THEIR PARENTS TO READING MATERIALS FOR OUT-OF-SCHOOL LITERACY DEVELOPMENT.

SECTION 7. In Colorado Revised Statutes, 22-7-1209, **amend** (2)(a)(I), (2)(b), (2)(c), (3) introductory portion, and (6); and **add** (1)(d.5), (7), and (8) as follows:

22-7-1209. State board - rules - department - duties. (1) The state board shall promulgate rules in accordance with the "State Administrative Procedure Act", article 4 of title 24, as necessary to implement the provisions of this part 12, which rules must include, but need not be limited to:

(d.5) THE TIME FRAMES AND PROCEDURES FOR SUBMITTING INFORMATION CONCERNING THE USE OF PER-PUPIL INTERVENTION MONEY;

(2) (a) (I) Using the procedure developed pursuant to subsection (3) of this section, the department shall review and recommend to the state board reading assessments, including interim, summative, and diagnostic assessments, for kindergarten and first, second, and third grades that, at a minimum, meet the criteria specified in ~~subsection (1)(a)(II)~~ SUBSECTION (2)(a)(II) of this section. Following action by the state board to approve reading assessments pursuant to subsection (1)(b) of this section, the department shall create a list of the approved reading assessments for kindergarten and first, second, and third grades for use by local education providers. The department shall update the list of approved reading assessments on or before July 1, 2019, and every four years thereafter as necessary. The department shall work with the approved assessment publishers to better align, to the extent practicable, the minimum reading competency levels for third grade, which are based on the scores attained on the approved assessments, with the preschool through elementary and secondary education standards for third-grade reading adopted pursuant to section 22-7-1005.

(b) Using the procedure developed pursuant to subsection (3) of this section, the department shall create an advisory list of evidence-based or scientifically based instructional programming in reading AND SUPPORTING TECHNOLOGIES, INCLUDING SOFTWARE, FOR ASSESSING AND MONITORING STUDENT PROGRESS that local education providers are encouraged to use, which programming ~~is~~ AND TECHNOLOGY, INCLUDING SOFTWARE, ARE aligned with the recommended reading assessments, including the assessment required in subsection (2)(a)(II)(D) of this section. The advisory list may include only programming AND TECHNOLOGY, INCLUDING SOFTWARE, that, at a minimum:

(I) ~~Has~~ HAVE been proven to accelerate student progress in attaining reading competency;

(II) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, provides explicit and systematic skill development in the areas of phonemic awareness, phonics, vocabulary development, reading fluency including oral skills, and reading comprehension;

(II.5) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, is evidence based or scientifically based and is aligned with the preschool through elementary and secondary education standards for reading adopted by the state board pursuant to section 22-7-1005;

(III) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes evidence-based or scientifically based and reliable assessments;

(IV) ~~Provides~~ PROVIDE initial and ongoing analysis of the student's progress in attaining reading competency; and

(V) WITH REGARD TO INSTRUCTIONAL PROGRAMMING, includes texts on core academic content to assist the student in maintaining or meeting grade-appropriate proficiency levels in academic subjects in addition to reading.

(c) Using the procedure developed pursuant to subsection (3) of this section, the department shall create an advisory list of RIGOROUS professional development programs that are related to addressing significant reading deficiencies and to applying intervention instruction and strategies, in addition to programs related to teaching general literacy, that local education providers are encouraged to use. THE DEPARTMENT SHALL INCLUDE ON THE ADVISORY LIST PROFESSIONAL DEVELOPMENT PROGRAMS THAT ARE AVAILABLE ONLINE. THE DEPARTMENT SHALL ENSURE THAT EACH PROFESSIONAL DEVELOPMENT PROGRAM INCLUDED ON THE ADVISORY LIST IS:

(I) FOCUSED ON OR ALIGNS WITH THE SCIENCE OF READING, INCLUDING TEACHING IN THE AREAS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION; AND

(II) INCLUDES RIGOROUS EVALUATIONS OF LEARNING THROUGHOUT AND AT THE END OF THE COURSE THAT A PERSON TAKING THE COURSE MUST PASS TO SUCCESSFULLY COMPLETE THE COURSE.

(3) The department shall develop and implement a procedure for identifying the

reading assessments it recommends to the state board for the approved list of reading assessments described in subsection (2)(a) of this section and for creating the advisory lists of instructional programming and professional development programs described in ~~subsections (2)(b), (2)(c), and (2)(d)~~ SUBSECTIONS (2)(b) AND (2)(c) of this section. At a minimum, the procedure must include:

(6) The department, upon request, may provide technical assistance to a local education provider in implementing the provisions of this part 12; EXCEPT THAT, IF A LOCAL EDUCATION PROVIDER IS ACCREDITED WITH TURNAROUND PLAN PURSUANT TO SECTION 22-11-208 OR REQUIRED TO ADOPT A TURNAROUND PLAN PURSUANT TO SECTION 22-11-210, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO THE LOCAL EDUCATION PROVIDER IN IMPLEMENTING THE PROVISIONS OF THIS PART 12.

(7) BEGINNING IN THE 2019-20 BUDGET YEAR, THE DEPARTMENT SHALL CONTRACT WITH AN ENTITY TO DEVELOP AND IMPLEMENT A PUBLIC INFORMATION CAMPAIGN TO EMPHASIZE THE IMPORTANCE OF LEARNING TO READ BY THIRD GRADE AND TO HIGHLIGHT THE LOCAL EDUCATION PROVIDERS THAT ARE ACHIEVING HIGH PERCENTAGES OF THIRD-GRADE STUDENTS WHO DEMONSTRATE READING COMPETENCY. THE PUBLIC INFORMATION CAMPAIGN MUST BE DISSEMINATED STATEWIDE AND MUST EMPHASIZE THE IMPORTANT ROLES THAT EDUCATORS AND PARENTS HAVE IN TEACHING CHILDREN TO READ AND IN PROVIDING A SCHOOL AND HOME ENVIRONMENT THAT PROMOTES READING. THE DEPARTMENT IS ENCOURAGED TO WORK WITH THE PUBLIC AND PRIVATE LIBRARY AGENCIES THROUGHOUT THE STATE IN DEVELOPING AND IMPLEMENTING THE PUBLIC INFORMATION CAMPAIGN.

(8) (a) BY OCTOBER 1, 2019, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO CONTRACT WITH AN ENTITY TO ACT AS AN INDEPENDENT EVALUATOR TO PROVIDE INDEPENDENT EVALUATIONS OF THE USE OF PER-PUPIL INTERVENTION MONEY AND MONEY RECEIVED THROUGH THE EARLY LITERACY GRANT PROGRAM BY LOCAL EDUCATION PROVIDERS AND TO CONDUCT A MULTI-YEAR EVALUATION TO DETERMINE WHETHER THE STUDENT OUTCOMES ACHIEVED BY LOCAL EDUCATION PROVIDERS IN IMPLEMENTING THIS PART 12 MEET THE GOALS OF THIS PART 12 AS DESCRIBED IN SECTION 22-7-1202 (2) AND (3)(a).

(b) THE COMMISSIONER OF EDUCATION SHALL DIRECT THE PROCESS FOR REVIEWING THE PROPOSALS RECEIVED AND FOR SELECTING THE ENTITY IN ACCORDANCE WITH THE PROCUREMENT LAWS APPLICABLE TO THE DEPARTMENT. IN SELECTING THE ENTITY, THE COMMISSIONER SHALL ENSURE THAT:

(I) THE SELECTED ENTITY DEMONSTRATES THE ABILITY AND CAPACITY TO SUCCESSFULLY COMPLETE THE EVALUATION AS DESCRIBED IN SUBSECTION (8)(c) OF THIS SECTION WITHIN THE SPECIFIED TIME FRAME;

(II) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING AND UNDERSTANDING THE COMPONENTS OF HIGH-QUALITY, EFFECTIVE READING CURRICULA, EDUCATION PROGRAMS, INSTRUCTION, STRATEGIES, AND INTERVENTIONS;

(III) THE SELECTED ENTITY HAS EXPERTISE IN REVIEWING THE IMPLEMENTATION OF ENGLISH LANGUAGE DEVELOPMENT PROGRAMS, ESPECIALLY WITH REGARD TO TEACHING READING; AND

(IV) THE SELECTED ENTITY HAS EXPERTISE IN UNDERSTANDING MEASUREMENTS OF STUDENT LEARNING AND ACADEMIC GROWTH.

(c) THE MULTI-YEAR EVALUATION OF THE IMPLEMENTATION OF THIS PART 12 MUST INCLUDE:

(I) REVIEW OF THE APPROVED READING ASSESSMENTS AND THE ITEMS INCLUDED ON THE ADVISORY LISTS OF INSTRUCTIONAL PROGRAMMING IN READING AND SUPPORTING TECHNOLOGIES AND OF PROFESSIONAL DEVELOPMENT PROGRAMS TO ENSURE THAT THEY MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND A REVIEW OF THE PROCESSES BY WHICH THE DEPARTMENT IDENTIFIES ASSESSMENTS, INSTRUCTIONAL PROGRAMMING IN READING, AND PROFESSIONAL DEVELOPMENT PROGRAMS FOR INCLUSION ON THE LISTS;

(II) EVALUATION OF THE EFFECTIVENESS OF THE PROCESSES, PROCEDURES, METHODS, AND STRATEGIES THAT LOCAL EDUCATION PROVIDERS USE TO IMPLEMENT THE REQUIREMENTS OF THIS PART 12, INCLUDING AN INVENTORY TO ESTABLISH A BASELINE INDICATION OF THE TEACHING METHODS, STRATEGIES, AND MATERIALS USED BY LOCAL EDUCATION PROVIDERS TO TEACH READING IN KINDERGARTEN AND GRADES ONE THROUGH THREE;

(III) MEASUREMENT OF THE RESULTS ATTAINED THAT INDICATE THE DEGREE TO WHICH THE GOALS OF THIS PART 12 HAVE BEEN MET, INCLUDING, AT A MINIMUM:

(A) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES, INCLUDING THOSE INITIALLY IDENTIFIED AND THOSE WHO WERE IDENTIFIED IN A PREVIOUS SCHOOL YEAR;

(B) THE AMOUNT OF ACADEMIC GROWTH TO STANDARD IN READING ANNUALLY ATTAINED BY STUDENTS WHO ARE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES DEMONSTRATE SUFFICIENT, AS DETERMINED BY THE DEPARTMENT, GROWTH TO STANDARD IN READING OVER MULTIPLE YEARS;

(C) WHETHER STUDENTS IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES DEMONSTRATE GRADE-LEVEL READING COMPETENCY BY COMPLETION OF THIRD GRADE OR BY COMPLETION OF A LATER GRADE;

(D) THE NUMBER OF STUDENTS ANNUALLY IDENTIFIED AS READING BELOW GRADE LEVEL; AND

(E) THE AMOUNT OF ACADEMIC GROWTH TO STANDARD IN READING ANNUALLY ATTAINED BY STUDENTS WHO ARE READING BELOW GRADE LEVEL AND WHETHER STUDENTS IDENTIFIED AS READING BELOW GRADE LEVEL DEMONSTRATE SUFFICIENT, AS DETERMINED BY THE DEPARTMENT, GROWTH TO STANDARD IN READING OVER MULTIPLE YEARS;

(IV) IDENTIFICATION OF THE EFFECTIVE PROCESSES, PROCEDURES, METHODS, AND STRATEGIES USED BY LOCAL EDUCATION PROVIDERS THAT THE INDEPENDENT EVALUATOR IDENTIFIES AS ACHIEVING SIGNIFICANT ACADEMIC GROWTH TO STANDARD IN READING FOR STUDENTS IDENTIFIED AS HAVING SIGNIFICANT READING

DEFICIENCIES AND AS READING BELOW GRADE LEVEL;

(V) ESTABLISHMENT OF A BASELINE INDICATION OF THE LEVEL AND QUALITY OF PRE-SERVICE AND IN-SERVICE TRAINING IN TEACHING READING RECEIVED BY EACH EDUCATOR WHO IS EMPLOYED IN A PUBLIC SCHOOL TO TEACH KINDERGARTEN OR ONE OF GRADES ONE THROUGH THREE;

(VI) EVALUATION OF THE DEGREE TO WHICH LOCAL EDUCATION PROVIDERS EFFECTIVELY WORK WITH PARENTS AND MEMBERS OF THE COMMUNITY TO CREATE PARTNERSHIPS FOR PROVIDING AND ENCOURAGING READING INSTRUCTION FOR STUDENTS ENROLLED IN KINDERGARTEN AND GRADES ONE THROUGH THREE; AND

(VII) RECOMMENDATIONS FOR LEGISLATIVE OR REGULATORY CHANGES REGARDING THIS PART 12 OR CHANGES IN IMPLEMENTATION OF THE REQUIREMENTS OF THIS PART 12 TO DECREASE THE NUMBER OF STUDENTS IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND INCREASE TO THE GREATEST POSSIBLE EXTENT THE NUMBER AND OVERALL PERCENTAGE OF STUDENTS READING AT GRADE LEVEL AT THE COMPLETION OF KINDERGARTEN AND GRADES ONE THROUGH THREE.

(d) IN COMPLETING THE MULTI-YEAR EVALUATION, THE INDEPENDENT EVALUATOR SHALL TAKE INTO ACCOUNT STUDENT MOBILITY WITHIN, AND THE STUDENT DEMOGRAPHICS OF, EACH LOCAL EDUCATION PROVIDER, INCLUDING AT THE SCHOOL-BUILDING LEVEL. THE INDEPENDENT EVALUATOR SHALL WORK DIRECTLY WITH THE DEPARTMENT, LOCAL EDUCATION PROVIDERS, AND PARENTS AND COMMUNITY MEMBERS IN COMPLETING THE EVALUATION.

(e) THE INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO THIS SUBSECTION (8) SHALL COMPLETE THE EVALUATION OF THE IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SUBSECTION (8)(c) OF THIS SECTION BY JULY 1, 2021. THE DEPARTMENT SHALL INCLUDE A REPORT OF THE EVALUATION IN THE HEARING BEFORE THE JOINT EDUCATION COMMITTEE HELD PURSUANT TO SECTION 2-7-203 IN NOVEMBER OR DECEMBER 2021. THE INDEPENDENT EVALUATOR SHALL CONTINUE EVALUATIONS OF THE GROWTH IN READING ACHIEVED BY LOCAL EDUCATION PROVIDERS' USE OF PER-PUPIL INTERVENTION MONEY AND MONEY RECEIVED THROUGH THE EARLY LITERACY GRANT PROGRAM.

SECTION 8. In Colorado Revised Statutes, 22-7-1210, **amend** (4)(b)(IV); **repeal** (5) and (6); and **add** (4)(c) and (4)(d) as follows:

22-7-1210. Early literacy fund - created - repeal. (4) The money in the fund is subject to annual appropriation by the general assembly to the department. The department shall annually expend the money in the fund as follows:

(b) Beginning in the 2013-14 budget year and for budget years thereafter:

(IV) The department shall allocate the remaining money annually credited to the fund, as provided in the annual general appropriations bill, to the local education providers as per-pupil intervention money calculated pursuant to subsection (5) of this section, AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF SUBSECTION (4)(c) OF THIS SECTION.

(c) (I) IN ADDITION TO THE ALLOCATIONS DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, THE DEPARTMENT SHALL EXPEND:

(A) UP TO FIVE HUNDRED THOUSAND DOLLARS TO IMPLEMENT THE PUBLIC INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN SECTION 22-7-1209 (7);

(B) UP TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO CONTRACT WITH, AND PAY THE DIRECT ADMINISTRATIVE COSTS INCURRED IN CONTRACTING WITH AND OVERSEEING, A QUALIFIED ENTITY AS AN INDEPENDENT EVALUATOR TO EVALUATE THE IMPLEMENTATION OF THIS PART 12 AS DESCRIBED IN SECTION 22-7-1209 (8); AND

(C) UP TO TWO MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO PROVIDE EVIDENCE-BASED TRAINING IN TEACHING READING FOR TEACHERS EMPLOYED BY LOCAL EDUCATION PROVIDERS TO TEACH KINDERGARTEN AND GRADES ONE THROUGH THREE. IF THE ACTUAL DEMAND FOR TRAINING EXCEEDS THE ANTICIPATED DEMAND AND THE AMOUNT ALLOCATED PURSUANT TO THIS SUBSECTION (4)(c)(I)(C) IS INSUFFICIENT TO PAY THE COSTS INCURRED IN PROVIDING THIS TRAINING, THE DEPARTMENT MAY SUBMIT TO THE GENERAL ASSEMBLY DURING THE 2019-20 BUDGET YEAR A REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT REQUIRED TO FULLY FUND THE COSTS.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (4)(b)(II) AND (4)(b)(IV) OF THIS SECTION, FOR THE 2019-20 BUDGET YEAR, OF THE AMOUNT THAT REMAINS AFTER THE ALLOCATIONS DESCRIBED IN SUBSECTIONS (4)(b)(I), (4)(b)(III), AND (4)(c)(I) OF THIS SECTION, AS PROVIDED IN THE ANNUAL GENERAL APPROPRIATIONS BILL, THE DEPARTMENT SHALL ALLOCATE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FOR GRANTS AWARDED THROUGH THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211, WHICH IS IN ADDITION TO THE AMOUNT DESCRIBED IN SUBSECTION (4)(b)(II) OF THIS SECTION, AND ALLOCATE THE REMAINING AMOUNT TO LOCAL EDUCATION PROVIDERS AS PER-PUPIL INTERVENTION MONEY AS PROVIDED IN SECTION 22-7-1210.5.

(III) SUBSECTION (4)(b) OF THIS SECTION AND THIS SUBSECTION (4)(c) ARE REPEALED, EFFECTIVE JULY 1, 2020.

(d) (I) BEGINNING IN THE 2020-21 BUDGET YEAR AND FOR BUDGET YEARS THEREAFTER, THE DEPARTMENT SHALL ANNUALLY EXPEND THE MONEY CREDITED TO THE EARLY LITERACY FUND FOR THE FOLLOWING PURPOSES:

(A) TO IMPLEMENT THE PUBLIC INFORMATION CAMPAIGN TO PROMOTE READING DESCRIBED IN SECTION 22-7-1209 (7);

(B) TO CONTRACT WITH AND PAY THE DIRECT COSTS INCURRED IN OVERSEEING AN INDEPENDENT EVALUATOR AS PROVIDED IN SECTION 22-7-1209 (8);

(C) TO IMPLEMENT THE EARLY LITERACY GRANT PROGRAM CREATED IN SECTION 22-7-1211;

(D) TO ALLOCATE PER-PUPIL INTERVENTION MONEY TO LOCAL EDUCATION

PROVIDERS AS PROVIDED IN SECTION 22-7-1210.5; AND

(E) TO PAY THE COSTS INCURRED IN PROVIDING TO LOCAL EDUCATION PROVIDERS TECHNICAL ASSISTANCE IN IMPLEMENTING THIS PART 12 AND TRAINING IN TEACHING READING FOR TEACHERS EMPLOYED TO TEACH KINDERGARTEN AND GRADES ONE THROUGH THREE; MONITORING THE USE OF MONEY RECEIVED AS PER-PUPIL INTERVENTION MONEY OR GRANTS THROUGH THE EARLY LITERACY GRANT PROGRAM; AND FULFILLING THE ADMINISTRATIVE REQUIREMENTS SPECIFIED IN THIS PART 12.

(II) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE IN THE GENERAL APPROPRIATIONS BILL THE AMOUNT THAT THE DEPARTMENT MAY EXPEND FOR THE PURPOSES SPECIFIED IN SUBSECTION (4)(d)(I) OF THIS SECTION.

~~(5) (a) (i) The department shall allocate the per-pupil intervention moneys to the local education providers as required in subparagraph (IV) of paragraph (b) of subsection (4) of this section by first dividing the amount of moneys available by the total number of students enrolled in kindergarten and first, second, and third grades in public schools in the state who were identified as having significant reading deficiencies and received instructional services pursuant to READ plans in the budget year preceding the year in which the moneys are allocated. The department shall then allocate to each local education provider an amount equal to said per-pupil amount multiplied by the number of students enrolled in kindergarten and first, second, and third grades in public schools operated by the local education provider who were identified as having significant reading deficiencies and received instructional services pursuant to READ plans in the budget year preceding the year in which the moneys are allocated.~~

~~(H) Repealed.~~

~~(b) A local education provider may use the per-pupil intervention money only as follows:~~

~~(i) To provide full-day kindergarten services to students enrolled in one or more of the public schools operated by the local education provider;~~

~~(ii) To operate a summer school literacy program as described in section 22-7-1212;~~

~~(iii) To purchase tutoring services in reading for students who are receiving instructional services pursuant to READ plans;~~

~~(iii.5) (Deleted by amendment, L. 2018.)~~

~~(iv) To provide other targeted, scientifically based or evidence-based intervention services to students who are receiving instructional services pursuant to READ plans, which services are approved by the department;~~

~~(v) For a local education provider that is a small rural school district as defined in section 22-7-1211 (4)(a), to purchase from a board of cooperative services the services of a literacy specialist to provide educator professional development in~~

literacy and other support in implementing the requirements of this part 12; or

~~(VI) To provide professional development programming to support educators in teaching literacy; except that a local education provider may not use more than fifteen percent of the per-pupil intervention money received in a budget year for this purpose. Professional development programming authorized in this subsection (5)(b)(VI) may include literacy coaches who provide job-embedded, ongoing professional development to support kindergarten-through-third-grade teacher competence in the evidence-based or scientifically-based teaching of phonemic awareness; phonics; vocabulary development; reading fluency, including oral skills; and reading comprehension.~~

~~(c) Each budget year, prior to receiving per-pupil intervention money, each local education provider shall submit to the department, for informational purposes, an explanation of the manner in which it will use the money in the coming budget year and the number of students for which the local education provider may receive per-pupil intervention money. If the local education provider intends to provide a service described in subsection (5)(b)(IV) of this section, the department shall review the service and provide the per-pupil intervention money for the service only if the service meets the requirements specified in subsection (5)(b)(IV) of this section. Upon the request of the department, a local education provider shall provide specific expenditure information to the department that specifies the manner in which the local education provider spent the per-pupil intervention money it received in a budget year.~~

~~(d) In using the per-pupil intervention moneys allocated pursuant to this subsection (5), each local education provider shall ensure that some type of intervention, as described in paragraph (b) of this subsection (5), is available to each student who is identified as having a significant reading deficiency and who is enrolled in kindergarten or first, second, or third grade in a school operated by the local education provider.~~

~~(6) Each local education provider shall ensure that the per-pupil intervention money it receives in each budget year is used to improve the reading competency of students enrolled in kindergarten and grades one through three and does not replace other money that would otherwise be used for this purpose.~~

SECTION 9. In Colorado Revised Statutes, **add 22-7-1210.5** as follows:

22-7-1210.5. Per-pupil intervention money - uses - distribution - monitoring.

~~(1) TO DISTRIBUTE THE MONEY APPROPRIATED PURSUANT TO SECTION 22-7-1210~~
~~(4) FOR PER-PUPIL INTERVENTION MONEY, THE DEPARTMENT SHALL ANNUALLY CALCULATE THE PER-PUPIL AMOUNT BY DIVIDING THE AMOUNT OF MONEY AVAILABLE BY THE TOTAL NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS IN THE STATE WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED. SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A LOCAL EDUCATION PROVIDER MAY RECEIVE PER-PUPIL INTERVENTION MONEY IN AN AMOUNT EQUAL TO THE CALCULATED PER-PUPIL AMOUNT MULTIPLIED BY THE NUMBER OF STUDENTS ENROLLED IN~~

KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO **READ** PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED.

(2) BEFORE THE BEGINNING OF EACH BUDGET YEAR, TO RECEIVE A DISTRIBUTION OF PER-PUPIL INTERVENTION MONEY, A LOCAL EDUCATION PROVIDER MUST SUBMIT TO THE DEPARTMENT BY THE DATE SPECIFIED BY STATE BOARD RULE:

(a) THE NUMBER OF STUDENTS ENROLLED IN KINDERGARTEN AND FIRST, SECOND, AND THIRD GRADES IN PUBLIC SCHOOLS OPERATED BY THE LOCAL EDUCATION PROVIDER WHO WERE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES AND RECEIVED INSTRUCTIONAL SERVICES PURSUANT TO **READ** PLANS IN THE BUDGET YEAR PRECEDING THE YEAR IN WHICH THE MONEY IS DISTRIBUTED; AND

(b) A BUDGET, INCLUDING A NARRATIVE EXPLANATION, FOR THE USE OF THE PER-PUPIL INTERVENTION MONEY IN ACCORDANCE WITH THE USES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

(3) (a) AT THE BEGINNING OF EACH BUDGET YEAR, THE DEPARTMENT SHALL DISTRIBUTE TO A LOCAL EDUCATION PROVIDER THAT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION THE AMOUNT OF PER-PUPIL INTERVENTION MONEY CALCULATED FOR THE LOCAL EDUCATION PROVIDER PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR THE APPLICABLE BUDGET YEAR.

(b) TO RECEIVE PER-PUPIL INTERVENTION MONEY IN A BUDGET YEAR, A LOCAL EDUCATION PROVIDER MUST MEET THE FOLLOWING REQUIREMENTS:

(I) THE LOCAL EDUCATION PROVIDER MUST SUBMIT THE INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND IN SECTION 22-7-1213 (2);

(II) FOR THE 2021-22 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE LOCAL EDUCATION PROVIDER MUST SUBMIT EVIDENCE THAT IT IS IN COMPLIANCE WITH THE TEACHER TRAINING REQUIREMENTS SPECIFIED IN SECTION 22-7-1208 (6);

(III) THE DEPARTMENT MUST APPROVE THE LOCAL EDUCATION PROVIDER'S PROPOSED USE OF THE PER-PUPIL INTERVENTION MONEY AS BEING IN COMPLIANCE WITH THE REQUIREMENTS IN SUBSECTION (4) OF THIS SECTION;

(IV) FOR THE PRECEDING BUDGET YEAR, THE LOCAL EDUCATION PROVIDER MUST HAVE USED THE MONEY FOR ONE OR MORE OF THE PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION; EXCEPT THAT THE PROVISIONS OF THIS SUBSECTION (3)(b)(IV) DO NOT APPLY IF THE LOCAL EDUCATION PROVIDER DID NOT RECEIVE A DISTRIBUTION OF PER-PUPIL INTERVENTION MONEY IN THE PRECEDING BUDGET YEAR; AND

(V) IF THE LOCAL EDUCATION PROVIDER IS EXPECTING TO USE THE PER-PUPIL INTERVENTION MONEY FOR TARGETED INTERVENTION SERVICES AS DESCRIBED IN SUBSECTION (4)(d) OF THIS SECTION, THE DEPARTMENT REVIEWED AND APPROVED THE SERVICES. THE DEPARTMENT SHALL NOT APPROVE SERVICES THAT HAVE NOT

BEEN IMPLEMENTED AND PROVEN TO BE SUCCESSFUL WITH A STUDENT POPULATION AND UNDER CIRCUMSTANCES THAT ARE COMPARABLE TO THOSE OF THE LOCAL EDUCATION PROVIDER OR THAT ARE NOT SUPPORTED BY VALID RESEARCH THAT SUGGESTS THE SERVICES WILL BE EFFECTIVE WITH THE STUDENT POPULATION SERVED BY, AND UNDER THE CIRCUMSTANCES OF, THE LOCAL EDUCATION PROVIDER.

(c) THROUGHOUT THE BUDGET YEAR, THE DEPARTMENT SHALL MONITOR AND, IF DEEMED NECESSARY BY THE DEPARTMENT, AUDIT EACH LOCAL EDUCATION PROVIDER'S USE OF THE PER-PUPIL INTERVENTION MONEY IT RECEIVES. THE DEPARTMENT MAY CONDUCT SITE VISITS TO THE EXTENT DEEMED NECESSARY TO ADEQUATELY MONITOR A LOCAL EDUCATION PROVIDER'S USE OF PER-PUPIL INTERVENTION MONEY. EACH LOCAL EDUCATION PROVIDER SHALL PROVIDE, UPON REQUEST BY THE DEPARTMENT, INFORMATION NECESSARY FOR THE DEPARTMENT TO COMPLY WITH THIS SUBSECTION (3)(c).

(4) A LOCAL EDUCATION PROVIDER MAY USE THE PER-PUPIL INTERVENTION MONEY ONLY AS FOLLOWS:

(a) TO OPERATE A SUMMER SCHOOL LITERACY PROGRAM AS DESCRIBED IN SECTION 22-7-1212;

(b) TO PURCHASE CORE READING INSTRUCTIONAL PROGRAMS THAT ARE INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING IN READING AND SUPPORTING TECHNOLOGIES DEVELOPED BY THE DEPARTMENT PURSUANT TO SECTION 22-7-1209 (2)(b);

(c) TO PURCHASE TUTORING SERVICES THAT FOCUS ON INCREASING STUDENTS' FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION FOR STUDENTS WHO ARE RECEIVING INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS;

(d) TO PROVIDE OTHER TARGETED, EVIDENCE-BASED OR SCIENTIFICALLY BASED INTERVENTION SERVICES TO STUDENTS WHO ARE RECEIVING INSTRUCTIONAL SERVICES, WHICH MAY INCLUDE SERVICES PROVIDED BY A READING INTERVENTIONIST, PURSUANT TO READ PLANS, WHICH SERVICES ARE APPROVED BY THE DEPARTMENT;

(e) TO PROVIDE TECHNOLOGY, INCLUDING SOFTWARE, WHICH IS INCLUDED ON THE ADVISORY LIST OF INSTRUCTIONAL PROGRAMMING IN READING AND SUPPORTING TECHNOLOGIES PURSUANT TO SECTION 22-7-1209 (2)(b), TO ASSIST IN ASSESSING AND MONITORING STUDENT PROGRESS TOWARD READING COMPETENCY, WHICH MAY INCLUDE PROVIDING PROFESSIONAL DEVELOPMENT IN THE EFFECTIVE USE OF THE TECHNOLOGY OR SOFTWARE;

(f) TO PURCHASE FROM A BOARD OF COOPERATIVE SERVICES THE SERVICES OF A READING SPECIALIST OR READING INTERVENTIONIST WHO IS TRAINED IN THE SCIENCE OF READING AND IN TEACHING THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION TO PROVIDE EDUCATOR PROFESSIONAL DEVELOPMENT IN TEACHING READING AND OTHER SUPPORT IN IMPLEMENTING THE

REQUIREMENTS OF THIS PART 12; OR

(g) TO PROVIDE PROFESSIONAL DEVELOPMENT PROGRAMMING TO SUPPORT EDUCATORS IN TEACHING READING. PROFESSIONAL DEVELOPMENT PROGRAMMING AUTHORIZED IN THIS SUBSECTION (4)(g) MAY INCLUDE HIRING A READING COACH WHO IS TRAINED IN TEACHING THE FOUNDATIONAL READING SKILLS OF PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION TO PROVIDE JOB-EMBEDDED, ONGOING PROFESSIONAL DEVELOPMENT TO SUPPORT KINDERGARTEN-THROUGH-THIRD-GRADE TEACHER COMPETENCE IN TEACHING PHONEMIC AWARENESS, PHONICS, VOCABULARY DEVELOPMENT, READING FLUENCY INCLUDING ORAL SKILLS, AND READING COMPREHENSION. A LOCAL EDUCATION PROVIDER THAT HAS NOT FULLY COMPLIED WITH SECTION 22-7-1208 (6) IS STRONGLY ENCOURAGED TO USE PER-PUPIL INTERVENTION MONEY TO ENSURE THAT ALL TEACHERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER TO TEACH KINDERGARTEN OR ANY OF GRADES ONE THROUGH THREE SUCCESSFULLY COMPLETE EVIDENCE-BASED TRAINING IN TEACHING READING BEFORE USING THE MONEY FOR OTHER AUTHORIZED PURPOSES.

(5) IN USING THE PER-PUPIL INTERVENTION MONEY DISTRIBUTED PURSUANT TO THIS SECTION, EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT SOME TYPE OF INTERVENTION, AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, IS AVAILABLE TO EACH STUDENT WHO IS IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY AND WHO IS ENROLLED IN KINDERGARTEN OR FIRST, SECOND, OR THIRD GRADE IN A SCHOOL OPERATED BY THE LOCAL EDUCATION PROVIDER.

(6) (a) EACH LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE PER-PUPIL INTERVENTION MONEY IT RECEIVES IN EACH BUDGET YEAR IS USED TO IMPROVE THE READING COMPETENCY OF STUDENTS ENROLLED IN KINDERGARTEN AND GRADES ONE THROUGH THREE WHO ARE IDENTIFIED AS HAVING A SIGNIFICANT READING DEFICIENCY OR RECEIVE INSTRUCTIONAL SERVICES PURSUANT TO READ PLANS AND DOES NOT REPLACE OTHER MONEY THAT WOULD OTHERWISE BE USED FOR THIS PURPOSE.

(b) A LOCAL EDUCATION PROVIDER MAY RETAIN UP TO FIFTEEN PERCENT OF THE AMOUNT OF PER-PUPIL INTERVENTION MONEY IT RECEIVES IN A BUDGET YEAR FOR USE IN ACCORDANCE WITH THIS SECTION IN THE NEXT BUDGET YEAR. IF A LOCAL EDUCATION PROVIDER RETAINS MORE THAN THE AMOUNT AUTHORIZED IN THIS SUBSECTION (6)(b), THE DEPARTMENT SHALL REDUCE THE AMOUNT OF PER-PUPIL INTERVENTION MONEY THAT THE LOCAL EDUCATION PROVIDER IS ELIGIBLE TO RECEIVE IN THE NEXT BUDGET YEAR BY THE EXCESS RETENTION AMOUNT.

SECTION 10. In Colorado Revised Statutes, 22-7-1211, **amend** (1), (2)(a), (2)(b), (3) introductory portion, (3)(a), and (3)(b); and **add** (2)(b.3), (2)(b.5), and (3.5) as follows:

22-7-1211. Early literacy grant program - created - definitions. (1) (a) There is created in the department the early literacy grant program to provide money to local education providers to implement literacy support and intervention instruction programs, including but not limited to related professional development programs, to assist students in kindergarten and first, second, and third grades to achieve reading competency. THE STATE BOARD MAY AWARD A GRANT TO AN APPLYING

LOCAL EDUCATION PROVIDER THAT IS A SCHOOL DISTRICT ON A DISTRICT-WIDE BASIS OR TO INDIVIDUAL SCHOOLS OF THE SCHOOL DISTRICT. A LOCAL EDUCATION PROVIDER MAY APPLY INDIVIDUALLY OR AS PART OF A GROUP OF LOCAL EDUCATION PROVIDERS. The state board by rule shall establish the application timelines and the information to be included in each grant application. THE STATE BOARD SHALL NOT, AS A CONDITION OF APPLYING FOR OR RECEIVING A GRANT, RESTRICT AN APPLICANT'S ABILITY TO USE ANY OF THE ASSESSMENTS INCLUDED ON THE APPROVED LIST OF ASSESSMENTS ADOPTED PURSUANT TO SECTION 22-7-1209 (1)(b).

(b) In adopting rules, the state board shall ensure that a local education provider that is a rural school district or a small rural school district, or a district charter school or an institute charter school that is located within the boundaries of a rural school district or small rural school district, may submit a simplified grant application. ~~A local education provider may apply individually or as part of a group of local education providers.~~ A rural school district that is a member of a board of cooperative services may seek assistance in writing the grant application from the board of cooperative services. A board of cooperative services may apply for a grant to provide instructional support in literacy for small rural school districts that are members of the board of cooperative services.

(2) The department shall review each grant application received and recommend to the state board whether to award the grant and the duration and amount of each grant. In making recommendations, the department shall consider the following factors:

(a) The percentage of kindergarten and first-, second-, and third-grade students enrolled by the applying local education provider or group of local education providers who have significant reading deficiencies AND THE PERCENTAGE OF KINDERGARTEN AND FIRST-, SECOND-, AND THIRD-GRADE STUDENTS WHO DO NOT HAVE SIGNIFICANT READING DEFICIENCIES BUT WHO ARE NOT MEETING THE GRADE-LEVEL EXPECTATIONS IN READING ADOPTED BY THE STATE BOARD;

(b) The instructional program that the applying local education provider or group of local education providers plans to implement using the grant ~~moneys~~ MONEY and whether it is an evidence-based program that is proven to be successful in other public schools in ~~the country~~ COLORADO OR IN OTHER STATES;

(b.3) WHETHER THE LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS EMPLOYS READING COACHES OR PLANS TO USE ALL OR A PORTION OF THE GRANT MONEY TO EMPLOY READING COACHES;

(b.5) THE DEGREE TO WHICH THE INSTRUCTIONAL PROGRAM INCORPORATES THE EFFECTIVE USE OF TECHNOLOGY, INCLUDING SOFTWARE, TO ASSIST IN ASSESSING AND MONITORING STUDENT PROGRESS TOWARD READING COMPETENCY;

(3) Based on the recommendations of the department, the state board shall award grants to applying local education providers or groups of local education providers, which grants are paid from money in the early literacy fund created in section 22-7-1210. Of the money allocated for the early literacy grant program pursuant to ~~section 22-7-1210 (4)(b)(H)~~ SECTION 22-7-1210 (4), the state board shall annually:

(a) Award up to ten percent to applicants that have previously received a grant to fund school-wide literacy initiatives THAT HAVE RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH TOWARD READING COMPETENCY, AS DETERMINED BY AN INDEPENDENT EVALUATOR AS PROVIDED IN SECTION 22-7-1209 (8), and that are requesting an additional year of funding to assist the local education provider in sustainability planning for the initiatives, including the continuing use of literacy coaches;

(b) Award up to fifteen percent to fund professional development initiatives for local education providers that are already implementing evidence-based or scientifically based universal instruction and interventions THAT ARE RESULTING IN SIGNIFICANT STUDENT ACADEMIC GROWTH TOWARD READING COMPETENCY, AS DETERMINED BY AN INDEPENDENT EVALUATOR AS PROVIDED IN SECTION 22-7-1209 (8); and

(3.5) (a) UPON COMPLETION OF THE TERM OF A GRANT, IF AN INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8), DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT MONEY HAS RESULTED IN SIGNIFICANT STUDENT ACADEMIC GROWTH TOWARD READING COMPETENCY, AND IF THE LOCAL EDUCATION PROVIDER REQUESTS AN EXTENSION OF THE GRANT, THE STATE BOARD SHALL EXTEND THE GRANT FOR A PERIOD RECOMMENDED BY THE DEPARTMENT. THE STATE BOARD SHALL INCREASE THE AMOUNT OF THE GRANT IF NECESSARY TO ENABLE THE LOCAL EDUCATION PROVIDER TO EXPAND OR ENHANCE IMPLEMENTATION OF THE INSTRUCTIONAL PROGRAM.

(b) UPON COMPLETION OF THE TERM OF A GRANT, IF AN INDEPENDENT EVALUATOR, AS PROVIDED IN SECTION 22-7-1209 (8), DETERMINES THAT THE INSTRUCTIONAL PROGRAM FUNDED BY THE GRANT MONEY HAS NOT RESULTED IN SIGNIFICANT ACADEMIC STUDENT GROWTH TOWARD READING COMPETENCY, THE STATE BOARD SHALL NOT EXTEND OR RENEW THE GRANT.

SECTION 11. In Colorado Revised Statutes, 22-7-1213, **amend** (2); and **add** (1)(a.3), (1)(a.5), (1)(a.7), and (1.5) as follows:

22-7-1213. Reporting requirements. (1) Each local education provider shall annually report to the department information necessary to determine:

(a.3) THE AMOUNT OF ACADEMIC GROWTH TO STANDARD IN READING ANNUALLY ACHIEVED BY STUDENTS WHO ARE ENROLLED IN KINDERGARTEN AND FIRST THROUGH THIRD GRADES AND WHO ARE IDENTIFIED AS HAVING SIGNIFICANT READING DEFICIENCIES;

(a.5) THE AMOUNT OF ACADEMIC GROWTH TO STANDARD IN READING ANNUALLY ACHIEVED BY STUDENTS WHO ARE ENROLLED IN KINDERGARTEN AND FIRST THROUGH THIRD GRADES AND WHO ARE IDENTIFIED AS READING BELOW GRADE LEVEL;

(a.7) WHETHER THE AMOUNT OF ACADEMIC GROWTH TO STANDARD ANNUALLY ACHIEVED BY EACH STUDENT DESCRIBED IN SUBSECTIONS (1)(a.3) AND (1)(a.5) OF THIS SECTION DEMONSTRATES SUFFICIENT, AS DETERMINED BY THE DEPARTMENT, GROWTH TO STANDARD IN READING OVER MULTIPLE YEARS;

(1.5) EACH LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT AND TO THE INDEPENDENT EVALUATOR CONTRACTED PURSUANT TO SECTION 22-7-1209 (8) ANY INFORMATION REQUIRED BY THE DEPARTMENT OR THE INDEPENDENT EVALUATOR TO COMPLETE THE EVALUATION DESCRIBED IN SECTION 22-7-1209(8). THE LOCAL EDUCATION PROVIDER, IN PROVIDING INFORMATION, AND THE DEPARTMENT AND THE INDEPENDENT EVALUATOR IN RECEIVING AND USING THE INFORMATION, SHALL COMPLY WITH STATE AND FEDERAL LAWS TO PROTECT THE PRIVACY OF STUDENT INFORMATION. THE LOCAL EDUCATION PROVIDER, THE DEPARTMENT, AND THE INDEPENDENT EVALUATOR SHALL COLLABORATE TO MINIMIZE THE IMPACT ON INSTRUCTIONAL TIME THAT MAY RESULT FROM COLLECTING AND PROVIDING THE INFORMATION.

(2) Each local education provider that receives an early literacy grant pursuant to section 22-7-1211 or per-pupil intervention ~~moneys~~ MONEY shall, at the conclusion of each budget year in which it receives the grant or per-pupil intervention ~~moneys~~ MONEY, submit to the department information describing:

(a) ~~The instructional programs, full-day kindergarten program, summer school literacy program, tutoring services, or other intervention services~~ IN DETAIL, THE SPECIFIC EXPENDITURES for which the local education provider used the grant or per-pupil intervention ~~moneys~~ MONEY;

(a.5) IF THE LOCAL EDUCATION PROVIDER PURCHASED INSTRUCTIONAL PROGRAMMING IN READING USING GRANT OR PER-PUPIL INTERVENTION MONEY, THE SCORES ATTAINED BY STUDENTS ENROLLED IN KINDERGARTEN THROUGH THIRD GRADE ON THE INTERIM READING ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1205;

(b) The number and grade levels of students who participated in each of the types of programs or services provided; and

(c) The progress made by participating students in achieving reading competency.

SECTION 12. Appropriation - adjustments to 2019 long bill. (1) To implement this act, appropriations made in the annual general appropriation act for the 2019-20 state fiscal year to the department of education for the early literacy competitive grant program are adjusted as follows:

(a) The cash funds appropriation from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., is decreased by \$5,378,678, and the related FTE is decreased by 8.0 FTE; and

(b) The cash funds appropriation from the early literacy fund created in section 22-7-1210 (1), C.R.S., is decreased by \$865,254.

(2) For the 2019-20 state fiscal year, \$7,500,000 is appropriated to the department of education. This appropriation consists of \$5,378,678 from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., and \$2,121,322 from the early literacy fund created in section 22-7-1210 (1), C.R.S. To implement this act, the department may use this appropriation for the early literacy competitive grant program.

(3) For the 2019-20 state fiscal year, \$2,702,557 is appropriated to the department of education. This appropriation is from the early literacy fund created in section 22-7-1210 (1), C.R.S. To implement this act, the department may use this appropriation for evidence-based training provided to teachers pursuant to section 22-7-1208 (6)(c), C.R.S.

(4) For the 2019-20 state fiscal year, \$1,664,570 is appropriated to the department of education. This appropriation is from the early literacy fund created in section 22-7-1210 (1), C.R.S., and is based on an assumption that the department will require an additional 11.7 FTE. To implement this act, the department may use this appropriation for early literacy program administration, technical assistance, and monitoring.

(5) For the 2019-20 state fiscal year, \$750,000 is appropriated to the department of education. This appropriation is from the early literacy fund created in section 22-7-1210 (1), C.R.S. To implement this act, the department may use this appropriation for an independent evaluation pursuant to section 22-7-1209 (8), C.R.S.

(6) For the 2019-20 state fiscal year, \$500,000 is appropriated to the department of education. This appropriation is from the early literacy fund created in section 22-7-1210 (1), C.R.S., and is based on an assumption that the department will require an additional 0.5 FTE. To implement this act, the department may use this appropriation for a public information campaign pursuant to section 22-7-1209 (7), C.R.S.

(7) For the 2019-20 state fiscal year, \$26,261,551 is appropriated to the department of education. This appropriation is from the early literacy fund created in section 22-7-1210 (1), C.R.S. To implement this act, the department may use this appropriation for early literacy program per pupil intervention funding.

SECTION 13. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 10, 2019